



IFW/DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Foster *et al.*

Appl. No. 09/937,484

§ 371 Date: January 23, 2002

For: Use of a Lectin or Conjugates for
Modulation of C-Fibre Activity

Confirmation No. 2134

Art Unit: 1654

Examiner: Audet, Maury A.

Atty. Docket: 1581.0870000/RWE/ALS

**Petition to the Director Under 37 C.F.R. §§ 1.144 and 1.181
to Withdraw Final Restriction Requirement**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith a petition to the director to withdraw a final restriction requirement based on lack of unity of invention. As indicated by 37 C.F.R. §1.499, review of such a petition is provided under 37 C.F.R. §§ 1.144 and 1.181. Further to 37 C.F.R. § 1.181(b), this petition is provided in the following format:

- I. Statement of the Facts Involved;
- II. Points to be Reviewed; and
- III. Action Requested.

The final restriction requirement is based on an allegation that the claims lack unity of invention. Applicants respectfully assert that this restriction requirement is improper and request that it be withdrawn and that all of the claims be examined together. Applicants also request that the claims be examined free of any required election as to specific lectin, peptide, protein, nucleic acid, conjugate, or composition.